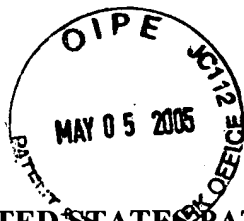


CUSTOMER NO. 31013



PATENT  
177079-00057

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**THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Phyllis Liethem et al.

Serial No: 09/334,125

Filed: June 15, 1999

For: **ABSORBENT PRODUCTS AND METHODS OF PREPARATION  
THEREOF**

Group Art Unit: 3761

Examiner : J. F. Stephens

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Alexandria, Virginia 22313-1450

William Spatz

Name of Applicant, Assignee or Registered  
Representative

Signature

May 2, 2005

Date of Signature

**APPELLANTS' REPLY BRIEF**

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

Applicants submit this Brief in reply to the Examiner's Answer mailed March 24, 2005.

This Brief is submitted in triplicate as required by 37 C.F.R. § 1.192(a).

**RESPONSE TO ARGUMENT**

The Examiner argues the pulp product of **Novak** is a fluff material because at page 1, col. 2, line 54 through page 2, col. 1, line 11, **Novak** discloses circulating pulp stock in a beater engine and beating it. The Examiner maintains that the process of beating a pulp stock equates to fluffing. However, as explained in the present Specification at page 14, lines 10-23, to fluff a wood fiber pulp, it must first be dried and then subjected to dry shredding in a Hammermill or other attrition mill. The **Chatterjee** reference, cited by the Examiner, describes the same procedure for making wood pulp fluff at column 6, lines 18-34. Claim 1 of **Chatterjee** use “pulp fluff” as a term of art, in the same way as Applicants. In contrast, **Novak** describes introducing sheets of pulp into a Holland beater “with sufficient water to allow the stock to properly circulate.” After the stock of **Novak** is separated, it is dumped into a stock chest and run off on a paper machine in the usual manner to make felt-like paper. See **Novak**, col. 2, line 54 to col. 3, line 16. Accordingly, **Novak** clearly describes the manufacture of wet-laid paper, not fluff, which dry shredded.

The Examiner apparently maintains that the limitation “fluffing the treated wood fiber pulp to form an absorbent sublayer material comprised of fluffed base-treated wood fiber pulp” in Claim 61 does not distinguish over **Novak**’s wet-laid felt. As indicated above, this position is inconsistent with the meaning of the term “fluff” in the instant specification and in the prior art of record. Indeed, the term “fluff pulp” is so well known to those skilled in the field of this invention, that it appears in the claims of 82 U.S. patents and specifications of 891 U.S. patents. For all of these reasons, the Examiner’s reliance on **Novak** is believed to be without merit.

The Examiner’s reliance upon the combination of **Pociluyko** and **Novak** to arrive at the present invention is misplaced because neither **Pociluyko** nor **Novak** suggest that **Novak**’s pulp

would be suitable for use in the claimed method to make absorbent composites. Further, even if **Pociluyko** did suggest the use of **Novak's** pulp product, the combination of **Pociluyko** nor **Novak** would yield an absorbent composite containing a wet-laid felt and not a fluffed wood fiber pulp, as required by the instant claims.

### CONCLUSION

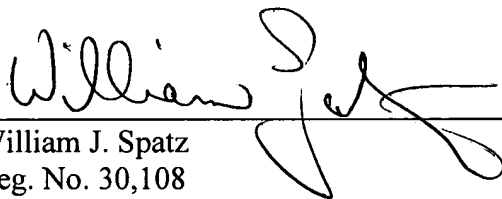
For the foregoing reasons, it is submitted that the presently pending claims are allowable and the rejection of Claims 61 and 62 is improper and should be reversed. Allowance of Claims 61 and 62 is in order and such action is solicited.

Dated: May 2, 2005

Respectfully submitted,

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By:

  
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